

A Necessary Change to the Electoral College

The Electoral College was first established to give the power of voting for the president from Congress to the states. It was meant to prevent corruption and the formation of political parties.¹ However, today, quite the opposite has happened. This winner-takes-all system has led to only two major parties ever having a chance of winning the presidential election. Furthermore, the majority of voters have little impact on elections, as many states are almost guaranteed to vote the same way every election. As Joshua Spivak says, an experienced writer and studier of recall elections, “[the Electoral College is] a relic of the 18th century that failed in some of its most important intended purposes.”² The 28th Amendment should require all states to use the District Method, or Maine-Nebraska Method, when counting electoral votes because the current Electoral College system is undemocratic.

The proposed Amendment would change Article II Section I Clause II of the Constitution, removing the phrase, “in such Manner as the Legislature thereof may direct.” Instead, each state would allocate two electoral votes to the overall state winner and one electoral vote to the winner in each Congressional district. This allocation of electoral votes is the method already used by Maine and Nebraska, also called the District Method.³ The current Electoral College system can fail to elect the popular vote winner, and has done so five times, including recently in 2016.⁴ The District Method would assign electoral votes more proportionally and be less likely to elect the loser of the popular vote. Furthermore, many states are ignored during presidential elections, as the outcome of their vote has been the same in almost all recent elections. Candidates instead focus their attention on swing states which represent only 35% of

¹Spivak, “The electoral college is a failure.”

²Spivak, “The electoral college is a failure.”

³Stone, “Typically red Nebraska.”

⁴Holzer, “What could replace the Electoral College?”

voters.⁵ The proposed amendment would bring presidential campaign activity to many more states. In the 2008 election for example, Nebraska, which had been ignored by candidates prior, experienced a lot of presidential activity as a result of its District Method voting. In almost all cases, Nebraska votes for the Republican candidate, but in 2008 one district was fought for and won by Obama.⁶ Furthermore, Nebraska and Maine, the two states who have already adopted the District Method, have split their votes in elections before, showing that the proposed method would make a difference.⁷ Although some states would remain unaffected, a change to the District Method would make others much more significant in the Electoral College. As a result, political efficacy and voter turnout would improve greatly, and the percentage of voters who receive attention from candidates would go up as well.

Many states have already shown disapproval of the Electoral College system, establishing precedence for its change or removal. For example, a few states are already passing a proposal that would have them put their electoral votes towards the nationwide popular vote winner.⁸ While abolishing this system completely would be the best adjustment to ensure the most popular candidate wins, past efforts to do so in 1969 and 1979 have both failed.⁹ A change to how electoral votes are counted would be more likely to be made into an amendment, and the District Method would offer this solution. Outside of Maine and Nebraska, there have been suggestions made by other states to adopt this method. In Iowa, the Youth Congress proposed to adopt split electoral votes.¹⁰ In California, the Presidential Election Reform Act, which would

⁵Eichen, "The Case Against the Electoral College."

⁶Stone, "Typically red Nebraska."

⁷Wikipedia, "Presidential Election Reform Act."

⁸Eichen, "The Case Against the Electoral College."

⁹Eichen, "The Case Against the Electoral College."

¹⁰Iowa Youth Congress, Iowa Department.

adopt the District Method in California, was pushed forward by Californians for Equal Representation, but the initiative failed to get on the 2008 ballot.¹¹

The process of ratification of amendments in the United States prevents most suggestions from being added to the Constitution. To even have the amendment be considered, it must receive support from two-thirds of both houses of Congress or be proposed by two-thirds of state legislatures and then called for consideration by Congress. Once the amendment has been reviewed, three-fourths, or 38, of the 50 states must agree to ratify it for the new amendment to be added to the Constitution. For the proposed District Method, the main opponents would be Republicans who are opposed to any change or removal of the Electoral College.¹² Getting the support of these red states would be essential to passing the amendment. To convince Republicans and all voters I would start organizations similar to Californians for Equal Representation that propose initiatives similar to California's Presidential Election Reform Act. If two-thirds of states were individually convinced to introduce the District Method on their own, introducing the proposed amendment to Congress would be much easier, and only four more states would be needed to pass it.

Requiring the District Method to be used by all states when counting their electoral votes as the 28th amendment is a necessary change to preserve the strength of voters and maintain proper democracy. With the current system, the majority of states receive little attention from presidential candidates. While their electoral votes still matter, they are almost guaranteed to go the same way every election. Voters in these states may begin developing a lower sense of political efficacy. Splitting electoral votes will bring activity to numerous states that never mattered before. Furthermore, the proportional aspect of the District Method will make it more

¹¹Wikipedia, "Presidential Election Reform Act."

¹²Spivak, "The electoral college is a failure."

likely for the popular vote winner to be elected every time. In order to preserve the democracy of the United States, the 28th amendment must change the Electoral College for the better.